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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Nyle S. Elliott et al

Serial No : **10/720,213**

Group Art Unit: **3763**

Filed : **November 25, 2003**

Examiner: **Manuel A. Mendez**

For : **SINGLE USE CATHETER**

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action of June 24, 2008, the Examiner rejected claims 1-4, 7 and 8 as being obvious over Kelly in view of Thornton, Meythaler et al, Stone, Binard et al. and Bleecker. In the rejection, the Examiner states it would have been obvious to modify the apparatus disclosed by Kelly with a one way valve, as taught by Bleecker, and that such modification would be considered obvious in view of the conventionality of this enhancement. The Examiner also states that the enhancement would have served to improve patient safety and the infusion capabilities of the catheter. Reconsideration of this rejection is respectfully requested.

Both independent claims 1 and 7 recite a one way valve allowing inflation of the cuff, but not allowing deflation, so that the conduit leading to the balloon must be cut to deflate the cuff. The first conduit leads to the cuff. This limitation is clearly not disclosed or suggested by Bleecker. The use of the valve, which does not allow deflation and requires cutting of the conduit, prevents the reuse of the catheter. Only by cutting the catheter, rendering the catheter non-useable, can the catheter be removed from the patient. In contrast, Bleecker clearly states at column 3, lines 7-11, that "When it is desired to remove the catheter, the valve opening device is manipulated to insert the prod into the end of the valve, against the end of the valve stem (which is usually grooved or ridged) to open the valve and permit fluid to escape. As the balloon deflates to an extent permitting removal of the catheter, the fluid is collected in the auxiliary reservoir with no possibility of spillage." Clearly, the valve allows deflation of the cuff and the catheter may be reused. This is not possible with the invention. While Binard may disclose the severing of a catheter shaft when inflation movement becomes obstructed, it has no disclosure of a valve that allows inflation but does not allow deflation, requiring the cutting of the catheter to allow removal.

The prior art, taken alone or in combination, does not need the express limitations of the claim. It is respectfully requested that the rejection be withdrawn and the application allowed.

If any issues remain, and the Examiner believes a telephone conversation would resolve such issues, the Examiner is urged to contact the undersigned attorney.

If any fees are due and owing, the Commissioner is authorized to charge Deposit Account No. 08-2455.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher J. McDonald", written over a horizontal line.

Christopher J. McDonald
Reg. No. 41,533

July 16, 2008

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Attorney Docket No.: A-8730.RFR3/bh